

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL H. HAWKINS,	)	
	)	
Plaintiff,	)	<b>2:05cv1146</b>
	)	<b>Electronic Filing</b>
v.	)	
	)	
APEX FINANCIAL MANAGEMENT, LLC,	)	Judge Cercone
	)	Magistrate Judge Hay
Defendant.	)	

 ORDER

AND NOW, this 29 day of March, 2006, after the plaintiff, Paul H. Hawkins, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted by the defendant, Apex Financial Management, LLC, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendant's Motion to Dismiss [Document No. 4] is GRANTED, unless plaintiff files an amended complaint within ten (10) days from the date of this Order.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party desires to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

*DS cercone*

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DAVID STEWART CERCONE  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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